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New York

SUMMARY RECORD OF THE 55th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/46/3 and A/C.3/46/L.62)

Draft resolution A/C.3/46/L.62

1. The CHAIRMAN said that draft resolution A/C.3/46/L.62 entitled "Social development" had no programme budget implications and that India had become a sponsor.

2. Draft resolution A/C.3/46/L.62 was adopted without a vote.

3. Mr. KUEHL (United States of America) said that his delegation had not opposed the adoption of the draft resolution because, like everyone else, it was in favour of social development. However, it believed that summits and other meetings were not the best way of attaining that objective. A world summit for social development would be very expensive; moreover, as his delegation had already noted at the first regular session of the Economic and Social Council at the time of the adoption of decision 1991/230, the United States believed that the question fell within the purview of the Commission for Social Development and that it would be premature for the Committee to take decisions on the matter. The United States would like the money to be put to better use. It had therefore not associated itself with the adoption of the draft resolution.

4. The CHAIRMAN suggested that the Committee should recommend that the General Assembly adopt the following draft decision:

> "The General Assembly takes note of the relevant chapters of the report of the Economic and Social Council (A/46/3)."

5. It was so decided.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (A/C.3/46/L.41, L.42, L.45, L.47, L.49, L.52 and L.66)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (A/C.3/46/L.26*, L.35, A/C.3/46/L.34/Rev.1, L.37, L.38, L.39/Rev.1, L.44, L.46, L.48, L.50, L.54, L.55, L.56, L.59, L.60, L.63 and L.65)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (A/C.3/46/L.43, L.51, L.53, L.57, L.58 and L.64)

Draft resolution A/C.3/46/L.41

6. The CHAIRMAN said that draft resolution A/C.3/46/L.41, entitled "Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights", had programme budget implications, which were indicated in the statement submitted by the Secretary-General in document A/C.3/46/L.66.

7. Mr. SEZAKI (Japan) said that his delegation was opposed to the adoption by consensus of the draft resolution. While recognizing the importance of the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, his delegation believed that treaty bodies should be financed by the States parties, in accordance with the obligations they had undertaken. States which had not fulfilled their financial obligations should be urged to do so as soon as possible. His delegation believed that it was contrary to the provisions of article 26 of the Vienna Convention on the Law of Treaties for treaty bodies to make financial claims on non-States parties. Japan contributed 12.45 per cent of the regular budget of the United Nations; but it was a matter of principle that contracting parties should bear the costs which arose from treaties. Otherwise there was a risk of creating dangerous precedents. If the bodies created under international human rights instruments did not have the necessary financial resources to fulfil their mandate, responsibility rested primarily with the States parties to those instruments. Since it could not join in a consensus, his delegation called for the draft resolution to be adopted "without a vote" and not by "consensus".

8. Draft resolution A/C.3/46/L.41 was adopted without a vote.

9. Mrs. TAHIR-KHELI (United States of America), explaining why her delegation had not participated in the adoption of the draft resolution, said that the United States Government supported many aspects of the draft resolution, especially the idea that all States parties had a duty "to meet all their current and outstanding financial obligations" and the request addressed to the Secretary-General "to consider ways and means of strengthening collection procedures and making them more effective". However, it did not agree that human rights treaty bodies should be funded from the regular budget. The funding requirements should be met by the States parties to those instruments in compliance with the obligations they had assumed in acceding to them.

Draft resolution A/C.3/46/L.42

10. The CHAIRMAN said that draft resolution A/C.3/46/L.42 entitled "Implementation of the Convention on the Rights of the Child" had programme budget implications, as outlined in section B of the statement submitted by the Secretary-General in document A/C.3/46/L.66. He also announced that Belgium, Benin, Cameroon, the Democratic Republic of Korea, Ghana, Guinea, Lesotho, Mozambique, New Zealand, Paraguay and Samoa had become sponsors of the draft resolution.

11. Mrs. BOGARDE (Sweden) said that Swaziland also wished to become a sponsor.

12. Mr. BARKER (Australia), Mr. SUKAYRI (Jordan), Mr. QURESHI (Pakistan), Mr. HENNESSY (Ireland), and Mr. ERDENECHULUUN (Mongolia) announced that their delegations also wished to sponsor the draft resolution.

13. Draft resolution A/C.3/46/L.42 was adopted without a vote.

Draft decision A/C.3/46/L.45

14. Draft decision A/C.3/46/L.45, entitled "Status of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment", was adopted without a vote.

Draft decision A/C.3/46/L.47

15. The CHAIRMAN pointed out that draft decision A/C.3/46/L.47, entitled "Consideration of the request for revision of article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination", had programme budget implications which were indicated in the first part of the statement submitted by the Secretary-General in document A/C.3/46/L.66.

16. Mr. SEZAKI (Japan) said that, for the reasons he had already stated with respect to draft resolution A/C.3/46/L.41, his delegation was opposed to the adoption of draft decision A/C.3/46/L.47 by consensus.

17. Draft decision A/C.3/46/L.47 was adopted without a vote.

18. Mrs. TAHIR-KHELI (United States of America) said that her country did not oppose the adoption of the draft decision, although it had long maintained that any amendments of an international convention should be made by the States parties to the convention and not by the General Assembly. Accordingly, while the United States considered it appropriate "to request the States parties to the Convention to consider the proposed amendment at their next meeting in January 1992", it reaffirmed its opposition to the funding of supervisory bodies other than by the States which had decided to become parties to the instruments in question.

Draft resolution A/C.3/46/L.49

19. The CHAIRMAN said that draft resolution A/C.3/46/L.49, entitled "International covenants on human rights", had no programme budget implications.

20. Mr. DIOP (Senegal) announced that Morocco had become a sponsor of the draft resolution.

21. Draft resolution A/C.3/46/L.49 was adopted without a vote.

22. Mr. AL-SAUD (Saudi Arabia) said that his delegation had reservations concerning the fifth preambular paragraph. His country's position regarding the Second Optional Protocol, aiming at the abolition of the death penalty, was well known and had been explained to the Third Committee in 1990. He reaffirmed that position and said that he would like it to be reflected in the summary record.

Draft resolution A/C.3/46/L.52

23. The CHAIRMAN reminded the Committee of the oral revision made by the representative of Mexico during his introduction of draft resolution A/C.3/46/L.52, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families": in the second line of paragraph 7, the word "item" should be replaced by "sub-item". The draft resolution had no programme budget implications.

24. Mrs. CASTRO DE BARISH (Costa Rica) said that her country wished to become a sponsor of the draft resolution.

25. Draft resolution A/C.3/46/L.52, as orally revised, was adopted without a vote.

Draft resolution A/C.3/46/L.26*

26. The CHAIRMAN recalled that Algeria, Argentina, Bangladesh, Benin, Burundi, China, Latvia, the Libyan Arab Jamahiriya, Pakistan, the Philippines, the Union of Soviet Socialist Republics and Vanuatu had become co-sponsors at the time the draft resolution had been introduced. Those countries also had been joined by Cuba, India, Mozambique, Zambia and Zimbabwe. He pointed out that draft resolution A/C.3/46/L.26*, entitled "World Conference on Human Rights", had programme budget implications which were contained in the statement submitted by the Secretary-General in document A/C.3/46/L.35.

27. Mrs. AKHAMLICH BENNANI (Morocco) pointed out that in the annex to document A/C.3/46/L.35 Arabic interpretation was not included among the services envisaged for the meeting of the Economic and Social Commission for Asia and the Pacific to be held at Bangkok in 1992; her delegation requested the Secretariat to rectify that omission.

28. Mrs. CASTRO DE BARISH (Costa Rica) regretted that there was no reference in paragraph 13 of document A/C.3/46/L.35 to her country's invitation offering to host the regional meeting for Latin America. The offer had been supported at the first session of the Preparatory Committee; on the same occasion, it had been noted that the meetings in Africa, Asia and Europe would be held, respectively, at Tunis, Bangkok and in Bulgaria. The costs indicated in document A/C.3/46/L.35 were for a meeting at the headquarters of the Economic Commission for Latin America and the Caribbean at Santiago. The additional cost of holding the meeting at San José should be determined, and that cost could be absorbed by the host country, also bearing in mind the geographical

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location of San José. Her delegation believed that there would be little or no additional cost involved.

29. Draft resolution A/C.3/46/L.26* was adopted without a vote.

30. Mrs. TAHIR-KHELI (United States of America), while affirming the importance her Government attached to the World Conference on Human Rights, said that her delegation had abstained in the vote on the draft resolution because it was concerned about its financial implications. It hoped that, at each stage of the preparatory process for the Conference and at the Conference itself, the question would be asked whether the activities planned would really contribute to the promotion of human rights in the world. Her delegation feared that the debate in the Third Committee on that issue might prejudge the results of the debate in the Fifth Committee, and it hoped that the latter would find the resources to finance the preparatory work and the Conference itself within current budgetary resources.

Draft resolution A/C.3/46/L.34/Rev.1

31. The CHAIRMAN recalled that draft resolution A/C.3/46/L.34/Rev.1, entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms", had been introduced by Cuba on behalf of the sponsors, and he announced that Iraq had joined the sponsors. A recorded vote had been requested on the draft resolution.

32. Mrs. TEEKAMP (Netherlands), speaking on behalf of the 12 States members of the European Community, said that they would once again abstain in the vote on the draft resolution.

33. The Twelve attached the greatest importance to the pursuit of ways and means within the United Nations system for the promotion of human rights and fundamental freedoms. They did not dispute the importance of certain issues referred to in the draft resolution, in particular the economic difficulties confronting the developing countries; however, as in the previous year, they could not agree with the wording of the tenth preambular paragraph, which implied preconditions for the enjoyment of human rights. The Twelve doubted that the resolution would be useful in achieving the objective expressed in its title. They regretted that its wording distorted the concept of human rights by emphasizing the collective approach. Finally, they deplored the fact that the text did not specify that all human rights violations wherever and under whatever political system they occurred, were a matter of concern to the international community.

34. A recorded vote was taken on draft resolution A/C.3/46/L.34/Rev.1.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Cameroon, Canada, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Grenada, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Panama, Poland, Portugal, Romania, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

35. Draft resolution A/C.3/46/L.34/Rev.1 was adopted by 101 votes to 2, with 36 abstentions.

36. Ms. COOMBS (New Zealand) said that her delegation had voted in favour of the draft resolution because of the importance it attached to human rights and its conviction that development had a role to play in that matter. Her delegation had reservations about paragraph 12, which stated that the approach to future work within the United Nations system on human rights matters should also take into account the content of the Declaration on the Right to Development and the need for its implementation. That directive seemed premature until certain complex issues had been studied in greater depth. Her delegation believed that paragraph 11 implied a commitment to revitalize the world economy, especially in the interests of the developing countries.

37. Mrs. CASTRO DE BARISH (Costa Rica) said that her delegation had voted in favour of the draft resolution because of the importance it attached to all efforts to ensure the effective enjoyment of human rights. Her delegation,

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however, had some reservations concerning the resolution similar to those expressed by the representative of the Netherlands. She stressed the importance of its paragragh 1, especially the question of the programme and working methods of the Commission on Human Rights. In that connection, she hoped that the proposal to establish a post of United Nations High Commissioner for Human Rights, which had never been considered, would be discussed as soon as possible.

38. Mr. MARANTZ (Canada), explaining his delegation's abstention in the vote, regretted that draft resolution A/C.3/46/L.34/Rev.1 made no reference to the importance of democracy and good government as an impetus to development.

Draft resolution A/C.3/46/L.37

39. The CHAIRMAN invited members of the Committee to examine the draft resolution entitled "The protection of persons with mental illness and the improvement of mental health care". He announced that Cameroon, Costa Rica and Lesotho had joined the sponsors of the draft resolution, which had no programme budget implications.

40. Ms. BOGARDE (Sweden), speaking on behalf of Norway, Finland and Sweden, said that her delegation, on the whole, supported the principles referred to in the draft resolution under consideration, but regretted that they had been drafted in too great detail, since that might lead to difficulties in implementation. Existing mental health care systems in the three Nordic countries, while designed to provide the same type of protection as the body of principles appearing in the annex to the draft resolution, differed from them in certain respects. Her delegation, therefore, expressed reservations with regard to certain elements of the body of principles.

41. Draft resolution A/C.3/46/L.37 was adopted without a vote.

Draft resolution A/C.3/46/L.38

42. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Human rights in the administration of justice". He announced that Togo had joined the sponsors of the draft resolution, which had no programme budget implications. He recalled that when the representative of Austria had introduced the draft resolution on behalf of its sponsors at the 49th meeting, on 25 November, he had orally revised it: in the English version, in the last line of paragraph 5, the words "of existing" had been inserted between the words "implementation" and "standards", and the words "and instruments" had been inserted between the words "standards" and "in the field of human rights". Thus, the line now read: "to the effective implementation of existing standards and instruments in the field of human rights;".

43. Mr. KRENKEL (Austria) said that, in drafting the text under consideration, the sponsors had neglected to include two standards in the fourth preambular paragraph. In the seventh line, the words "Basic Principles on the Role of Lawyers" should be inserted before the words "the Model Agreement", and, in the tenth line, the words "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials" should be inserted before the words "Standard Minimum Rules".

44. Mr. BLACKMAN (Barbados) drew attention to a technical error in the first preambular paragraph. The date "18 December 1991" should read "18 December 1990".

45. Draft resolution A/C.3/46/L.38, as orally revised, was adopted without a vote.

Draft resolution A/C.3/46/L.39/Rev.1

46. The CHAIRMAN invited the Committee to consider the revised draft resolution entitled "Human rights and extreme poverty". He announced that Vanuatu had joined the sponsors of the draft resolution, which had no programme budget implications.

47. Mr. LAZARO (Peru) said that the Bahamas and Costa Rica had also joined the sponsors of the draft resolution.

48. Draft resolution A/C.3/46/L.39/Rev.1 was adopted without a vote.

Draft resolution A/C.3/46/L.44

49. The CHAIRMAN invited the Committee to consider the draft resolution entitled "United Nations Voluntary Trust Fund on Contemporary Forms of Slavery". He informed the Committee that it had no programme budget implications.

50. Draft resolution A/C.3/46/L.44 was adopted without a vote.

Draft resolution A/C.3/46/L.46

51. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Right to development". He announced that Burkina Faso and Cameroon had joined the sponsors of the draft resolution, which had no programme budget implications.

52. Mr. STRUGAR (Yugoslavia) proposed that in paragraph 11 the word "item" should be replaced by the word "sub-item" and that the phrase ": human rights questions" before the word "including" should be deleted. The second line of that paragraph would then read "the sub-item entitled 'Human rights questions, including ...'".

53. Draft resolution A/C.3/46/L.46, as orally revised, was adopted without a vote.

54. Mrs. TAHIR-KHELI (United States of America) said that her delegation had not participated in the consideration of draft resolution A/C.3/46/L.46. While it recognized the importance of development, it considered it to be more a social objective than a fundamental human right and believed that the question of development would be more suitably dealt with by other United Nations organs.

Draft resolution A/C.3/46/L.48

55. The CHAIRMAN invited the Committee to consider the draft resolution entitled "National institutions for the protection and promotion of human rights" and announced that France had joined the sponsors of the draft resolution. He recalled that, in introducing the draft resolution, the representative of India had made the following oral revisions to the English text: in the fourth line of paragraph 8, the word "including" had been deleted; in the penultimate line of paragraph 9, the word "including" had been replaced by the words "as well as"; and in the last line of paragraph 11, the words "prepared or organized" had been inserted after the word "activities". He also informed the Committee that the draft resolution had no programme budget implications.

56. Draft resolution A/C.3/46/L.48, as orally revised, was adopted without a vote.

57. Mr. FURE (Norway), speaking on behalf of the five Nordic countries - Denmark, Iceland, Finland, Sweden and Norway - said that they were aware of the importance of national institutions in implementing the universal principles of human rights and strongly supported the main thrust of the draft resolution that had just been adopted. However, they regretted that their views on paragraph 8 had not been taken fully into account and that they had therefore been unable to join the sponsors. Under the paragraph in question, the Centre for Human Rights was asked to establish, upon the request of States concerned, United Nations centres for human rights documentation and training, and to do so on the basis of established procedures for the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

58. He recalled that the Voluntary Fund had been established primarily to support activities designed to build or strengthen national and regional human rights infrastructures. Thus, the Fund had supported action to assist ongoing democratic changes. The Centre had set up special arrangements to respond to requests for assistance and had established guidelines for project formulation, implementation and reporting. The Nordic countries interpreted the adoption of the draft resolution as implying that any requests under paragraph 8 would be evaluated according to the same criteria as requests for technical assistance from the Fund. It was important to bear in mind that the Fund had only limited resources: approximately $2 million in 1991. As major donors to the Fund, the Nordic countries believed it was necessary to follow established procedures in order to ensure that the Fund had the financial basis it needed to operate.

Draft resolution A/C.3/46/L.50

59. The CHAIRMAN invited the Committee to consider draft resolution A/C.3/46/L.50 entitled "Question of enforced or involuntary disappearances". He recalled that at the time of its introduction, Australia, Gabon, Grenada, Ireland, the Niger, Samoa and Sweden had joined the list of sponsors. Since then, Finland, Nigeria, New Zealand and the United States had also become sponsors of the draft, which had no programme budget implications.

60. Mr. ZHANG (China) said that the Chinese Government had always attached great importance to the question of enforced or involuntary disappearances since such acts represented very serious violations of human rights. The international community was right to join forces in combating that evil.

61. Because the draft resolution on that matter had been introduced in the Committee at a very late stage, his delegation had not been able to discuss it in detail with other interested delegations. The addition of paragraph 7 of the draft, which had not appeared in the draft resolution on the same subject adopted the previous year, was not purely a matter of form; it involved a substantive issue. An addition of that kind could only be made after extensive consultations. In paragraph 7 the General Assembly was encouraging the Governments concerned to do something, without having requested their views on the matter.

62. His delegation would not oppose the adoption of the draft by consensus but wished to have its opinion on record. It also drew attention to a linguistic problem. In the Chinese version of the text, paragraph 7 had not been translated correctly. Whereas the English version stated that the General Assembly "Encourages the Governments concerned to consider the wish of the Working Group", the Chinese version used the equivalent of the words "to accept" in place of "to consider". He asked the Secretariat to arrange to have the Chinese version revised.

63. Mrs. CASTRO DE BARISH (Costa Rica) said that her country, which had been part of the Working Group on Enforced or Involuntary Disappearances, wished to become a sponsor of the draft resolution under consideration, which it fully endorsed.

64. Mr. LAZARO (Peru) said that, in paragraph 7 of the Spanish version of the text under consideration, the Governments concerned were encouraged "a que acojan favorablemente", in other words, to give favourable consideration to, which did not correspond to the words "to consider" found in the English version. He therefore asked the Secretariat to ensure that the various versions of the text were harmonized.

65. Draft resolution A/C.3/46/L.50 was adopted without a vote.

Draft resolution A/C.3/46/L.54

66. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Human rights and scientific and technological progress" and

(The Chairman)

announced that Nigeria had joined the sponsors. He recalled that, in introducing the draft, the respresentative of Belarus had orally revised the text by replacing paragraph 6 with the following: "Decides to consider that question at its forty-eighth session under the item entitled 'Human rights questions'". The draft resolution had no programme budget implications.

67. Miss DIOP (Senegal) said that her country had joined the sponsors of the draft resolution under consideration.

68. Mr. KHVOSTOV (Belarus) pointed out that paragraph 6 should read: "Decides to consider the question of human rights and scientific and technological progress at its forty-eighth session under the item entitled 'Human rights questions'".

69. Draft resolution A/C.3/46/L.54, as orally revised, was adopted without a vote.

Draft resolution A/C.3/46/L.55

70. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Human rights and mass exoduses" and said that the United States had become a sponsor when the text had been introduced. Noting that Nigeria and Jamaica had also joined the sponsors, he recalled that in introducing the draft resolution, the representative of Canada had inserted a new paragraph 7, which read:

> "Also notes in this connection that mass movements of populations are caused by multiple and complex factors, either man-made or natural, ranging from wars and armed conflicts, invasions and aggressions, violations of human rights, forcible expulsions, economic and social factors and natural disasters to degradation in the environment, which indicates that early warning requires an inter-sectoral and multi-disciplinary approach.".

The draft resolution had no programme budget implications.

71. Miss DIOP (Senegal) said that her country wished to join in sponsoring draft resolution A/C.3/46/L.55.

72. Mr. FERNANDEZ (Cuba) said that his delegation would not call for a recorded vote. Nevertheless, since it had not had all the time it desired to study the draft resolution, it wished to make its reservations known, in particular with respect to developing the role of the Office for Research and the Collection of Information, which had still not submitted either to the General Assembly or to Member States a single report on its activities relating to refugee flows.

73. Draft resolution A/C.3/46/L.55, as orally revised, was adopted without a vote.

Draft resolution A/C.3/46/L.56

74. The CHAIRMAN invited the Committee to consider the draft resolution entitled "International Year for the World's Indigenous People". He reminded them that Costa Rica, Fiji and the Marshall Islands had joined the sponsors when the text had been introduced. He drew attention to the statement of the programme budget implications of the draft resolution submitted by the Secretary-General in document A/C.3/46/L.65.

75. Mrs. CASTRO DE BARISH (Costa Rica) said that her country wished to join the sponsors of the draft resolution.

76. Draft resolution A/C.3/46/L.56 was adopted without a vote.

Draft resolution A/C.3/46/L.63

77. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Elimination of all forms of religious intolerance", of which the United States and Chile had also been announced as sponsors during its introduction. The draft resolution had no programme budget implications.

78. Mr. KHVOSTOV (Belarus) said that Belarus had joined the sponsors of the draft resolution.

79. Mrs. ZINDOGA (Zimbabwe) said that Zimbabwe had joined the sponsors of the draft resolution.

80. Draft resolution A/C.3/46/L.63 was adopted without a vote.

Draft resolution A/C.3/46/L.60

81. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes". The Lao People's Democratic Republic, the Libyan Arab Jamahiriya and Zimbabwe had also been announced as sponsors of the draft resolution during its introduction. He reminded the Committee that, in introducing the draft resolution, the representative of Cuba had revised paragraph 11 orally by replacing the words "Enhancing the effectiveness of the principle of periodic and genuine elections" by the words "Human rights questions".

82. The CHAIRMAN said that a recorded vote had been requested on draft resolution A/C.3/46/L.60 as revised orally by the representative of Cuba.

83. Mrs. TEEKAMP (Netherlands), speaking in explanation of vote before the vote, on behalf of the European Community, said that the Twelve would vote against draft resolution A/C.3/46/L.60 as they had done the previous year on a similar draft, in order to express their concern about drawing principles selectively from the Charter and their serious doubts about the

(Mrs. Teekamp, Netherlands)

appropriateness of considering a controversial draft under an item traditionally considered in a spirit of cooperation. Draft resolution A/C.3/46/L.60 did not add any constructive elements to the effort made by many delegations to enhance the effectiveness of the principle of periodic and genuine elections. The Twelve were fully committed to the principles of the Charter to which the draft resolution referred, but objected to any use of the Charter to justify the denial to the people of their right to free and democratic elections.

84. As in all cases related to the promotion and protection of human rights by the United Nations, those principles should be considered in conjunction with Articles 55 and 56 of the Charter which, respectively, stated that the United Nations should promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, and that all Members had pledged themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

85. A recorded vote was taken on draft resolution A/C.3/46/L.60, as orally revised.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, China, Colombia, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Gabon, Ghana, Guatemala, Guinea, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Albania, Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Romania, Spain, Sweden, Turkey, Ukraine, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Chile, Costa Rica, Cyprus, Ethiopia, Fiji, Guyana, Honduras, Jamaica, Malta, Mongolia, Samoa.

86. Resolution A/C.3/46/L.60 was adopted by 86 votes to 40, with 11 abstentions.

87. Mr. PORTALES (Chile) said that his delegation had abstained because draft resolution A/C.3/46/L.60 made no reference to the central value of democracy as the highest expression of the self-determination of peoples and as a critical element in the enjoyment of human rights as a whole. Moreover, the draft resolution reflected a negative concept of solidarity between peoples in the area with which it dealt. If there was a lesson to be drawn from the sorrowful experience of so many peoples, it was the immense value of solidarity between peoples in the struggle for decolonization and for the enjoyment of human rights. His delegation's abstention was in no way affected by paragraphs 8 and 9 of the draft resolution. Chilean democracy would continue to support the South African people in their struggle for full democracy and the complete elimination of apartheid. It also recognized the right of the Palestinian people to self-determination in the context of peaceful coexistence with the State of Israel.

88. Mr. BARKER (Australia) approved of a number of the ideas expressed in draft resolution A/C.3/46/L.60. He regretted, however, that the references to principles enshrined in United Nations instruments had been selective in nature. Moreover, paragraph 4 prejudged the outcome of an issue which was still under consideration.

89. Mrs. LOPEZ-RUIZ (Guatemala) said that her delegation had voted in favour of draft resolution A/C.3/46/L.60 because it approved of the content of the draft resolution, with the exception of paragraph 6. Guatemala was not opposed to providing political parties with technical or financial assistance which it considered necessary and which, in many cases, contributed to the consolidation of democratic institutions.

Draft resolution A/C.3/46/L.51

90. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Situation of human rights and fundamental freedoms in El Salvador", of which Argentina, France and Greece had also been announced as sponsors during its introduction.

91. Mrs. CASTRO DE BARISH (Costa Rica) said that Samoa and Cuba had joined the sponsors of the draft resolution.

92. Draft resolution A/C.3/46/L.51 was adopted without a vote.

Draft resolution A/C.3/46/L.53

93. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Situation of human rights in Iraq". He pointed out that Argentina, Lithuania and Rwanda had been announced as sponsors of the draft resolution during its introduction. Latvia had also become a sponsor.

94. Mrs. MAUALA (Samoa) said that Samoa had become a sponsor of the draft resolution.

95. Mr. HUSSAIN (Iraq) said that his delegation had hoped that, following its contacts with the sponsors, the draft resolution would be more balanced and would take account in an objective manner of the evolution of the human rights situation in Iraq, of the will of the Government of Iraq to resolve the difficulties encountered by the country in meeting its responsibilities in that field and of its intention to cooperate fully with the Special Rapporteur. No delegation would dispute that consideration of the human rights situation in various countries had as its primary object to assist countries to overcome obstacles in the way of implementing human rights instruments and to encourage them to improve the situation in that regard. A decision on the human rights situation in a country could not be taken without an examination on the spot of the accusations made against it.

96. The draft resolution generally accentuated the negative elements of the Special Rapporteur's report, treating allegations as truths and ignoring the positive aspects. In the preamble it was stated that "chemical weapons have been used on the (...) civilian population". Yet inquiries carried out by various bodies, including the United Nations, entirely failed to establish that Iraq had used such weapons, and the relevant documents spoke of the use of chemical weapons in general without specifying what country had used them. How could a draft resolution accusing a country accept allegations without proof and repeat what were mere press stories? The preamble also spoke of the "repressive measures taken by the Government of Iraq against the Shiah communities in the south of Iraq". The Iraqi population was characterized by its diversity - a diversity which did not preclude unity, as the Iraqi people proved each time the country faced an external peril. The only possible object of the preambular paragraph in question was therefore to create antagonism among Iraqis.

97. Still according to the preamble to the draft resolution, the Government of Iraq had failed to answer a considerable number of specific questions asked by the Special Rapporteur. The Special Rapporteur had submitted his questions on 17 September, requesting that replies should be provided within a period of one month. Given the situation in which Iraq found itself after the aggression, that time limit was far too short for the Government to gather all the necessary information from the many parties concerned. Nevertheless, the Iraqi Government had told the Special Rapporteur that it would give more detailed replies if allowed the necessary time.

(Mr. Hussain, Iraq)

98. The draft resolution completely overlooked those facts, just as it forgot that the task of the Third Committee was strictly humanitarian and should not be influenced by other considerations. In the view of his delegation, the draft was certainly not aimed at encouraging the Iraqi Government to strengthen human rights, inasmuch as it completely ignored the seriousness and political will shown by Iraq in trying to resolve problems in that field. If the sponsors of the draft resolution were genuinely concerned with the fate of the Iraqi people, their draft would not pass in silence over the sufferings endured by the Iraqi people as a result of the unjust blockade imposed upon the country. The text under consideration was neither objective nor impartial: it accepted unproved allegations as though they were truths, and condemned without having heard all parties. His delegation would therefore vote against the draft resolution, which, however, in no way implied that his Government was going back on its undertaking to strengthen human rights in Iraq.

99. Mr. SAHRAOUI (Algeria) said that his delegation would not participate in the voting. The draft resolution failed to do sufficient justice to Iraq's gestures of good will as evidenced by various declarations by Iraqi representatives to the United Nations. The Iraqi representatives had undertaken to do everything they could to ensure a favourable development of the situation of human rights in their country. Moreover, Iraq had accepted the principle of the Special Rapporteur visiting Iraqi territory in January 1992.

100. A more flexible resolution might perhaps have made it possible to reach consensus, which was in principle, the objective sought by all members of the Committee.

101. His delegation firmly championed the right to life invoked in the draft resolution. That right also belonged to the 180,000 persons who had already starved to death in Iraq and the 300,000 children who were going to die of hunger and malnutrition in the coming months, according to figures confirmed by UNICEF.

102. The resolution unfortunately failed to take into account that aspect of the right to life. History, for its part, would not forget it.

103. A recorded vote was taken on draft resolution A/C.3/46/L.53.

In favour: Albania, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Israel, Italy,

Jamaica, Japan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Mali, Malta, Mexico, Mongolia, Mozambique, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela, Yugoslavia, Zambia, Zimbabwe.

Against: Iraq.

Abstaining: Bangladesh, Brunei Darussalam, China, Indonesia, Lebanon, Malaysia, Morocco, Namibia, Pakistan, Sri Lanka, Uganda, United Republic of Tanzania.

104. Draft resolution A/C.3/46/L.53 was adopted by 109 votes to 1, with 12 abstentions.

Draft resolution A/C.3/46/L.57

105. The CHAIRMAN invited the Committee to consider the draft resolution entitled "Situation of human rights in Kuwait under Iraqi occupation". He recalled that in introducing the draft resolution the representative of Kuwait had orally revised operative paragraph 7 by replacing the word "Demands" by the words "Further requests". He announced that Senegal, Philippines and Samoa had joined the the sponsors of the draft resolution and that a recorded vote had been requested.

106. Mr. HUSSAIN (Iraq) recalled that his country had declared that it was complying with the resolutions of the Security Council and effectively implementing their provisions. The Kuwaitis who had been in Iraq had been handed over to the International Committee of the Red Cross, and a list of some 6,000 persons had been communicated to that Committee as well as to the representative of the Secretary-General of the League of Arab States. The latter, who had travelled to Iraq and had been able to visit the persons in question, had paid a tribute to the Iraqi Government for its cooperation in that respect. Kuwait, however, was still refusing to accept those persons, claiming that it had first to be sure of their nationality.

107. The situation in which the military operations had taken place was well known and so complex that Iraq could not be held responsible for the fate of all individuals at that time. Frontiers had been left without control and civilian populations had been bombed in all regions; those factors were important in relieving Iraq of sole responsibility in the matter. Draft resolution A/C.3/46/L.57 ignored Iraq's will to cooperate with all parties in determining the fate of persons who had allegedly been detained or had

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disappeared. The Iraqi Government continued to cooperate with all competent organizations in that field, and steps were currently being taken towards that end. As for the report of the Special Rapporteur, it was based exclusively on Kuwaiti sources and no one could expect it to be impartial towards Iraq. In the view of his delegation, the draft under consideration was aimed at the maintenance of the economic blockade unjustly imposed on Iraq. His delegation would therefore vote against a draft which failed to take account of the facts.

108. Mr. RAZZOOGI (Kuwait) said that there were more than 2,000 persons reported missing in Kuwait and that, according to eyewitnesses, many Kuwaitis were still being detained in Iraq, whatever the representative of the League of Arab States might have written in his report on returning from Baghdad. It was true, as the Iraqis affirmed, that some releases had taken place, but it had to be borne in mind that, on the last day of the occupation of Kuwait alone, the Iraqi army had deported more than 16,000 persons. As to the Iraqi representative's statement to the effect that Kuwait was refusing to receive Kuwaiti citizens back in the country, that was really impossible to credit.

109. A recorded vote was taken on draft resolution A/C.3/46/L.57.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Iraq.

Abstaining: None.

110. Draft resolution A/C.3/46.L.57, as orally revised, was adopted by 137 votes to one.

Draft resolution A/C.3/46/L.58

111. The CHAIRMAN drew attention to the draft resolution entitled "Situation of human rights in Afghanistan" submitted by the Chairman of the Committee on the basis of informal consultations. He proposed that the words "as an important humanitarian question" should be added at the end of paragraph 7.

112. Draft resolution A/C.3/46/L.58, as orally revised, was adopted without a vote.

The meeting rose at 12.30 p.m.